

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1505 - SB 1609

February 5, 2016

SUMMARY OF BILL: Broadens the sentencing enhancement for committing theft offenses during the time period between the occurrence of a declared state of emergency and when the emergency ends or ceases to be a threat to the orderly administration of government to also include vandalism offenses committed during a state of emergency.

Limits application of the enhancement to vandalism offenses graded as a Class E felony for which the value of the property involved is more than \$500 but less than \$1,000.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$18,100/Incarceration*

Assumptions:

- The bill limits application of the sentencing enhancement to vandalism offenses in which the property destroyed is valued between \$500 and \$1,000 (Class E felony). Statistics from the Department of Correction show an average of 29.6 admissions per year over the last 10 years for Class E felony vandalism.
- It is assumed that the bill will result in one offender every two years having his or her sentence enhanced.
- The average time served for vandalism is 0.86 years. It is assumed that the offender will be enhanced to a Class D felony, for which the average time served is 2.32 years.
- The bill will result in one offender every two years serving an additional 1.46 years, or 533.27 days.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- A recidivism discount of 43.7 percent applies, but due to the low number of admissions impacted by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every two years serving an additional 1.46 years (533.27 days) for an annualized total of \$18,059.19 [$(\$67.73 \times 533.27 \text{ days} / 2)$].

- The bill does not create any new offenses or prosecutions. It is assumed that the courts, district attorneys, and public defenders can handle any impact within their existing resources.
- The Administrative Office of the Courts, the District Attorneys General Conference, and the District Public Defenders Conference confirm that they can handle any impact within their existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm